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10/529,952

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EXAMINER

SELF, SHELLEY M

ART UNIT

PAPER NUMBER

3725

MAIL DATE

DELIVERY MODE

09/10/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/529,952

Applicant(s)

SHEFFIELD, LANCE RODNEY

Examiner

Shelley Self

Art Unit

3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 46-61, 63, 65, 67 and 69 is/are pending in the application.
- 4a) Of the above claim(s) 62, 64, 66, 68 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 46-61, 63, 65, 67 and 69 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 April 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 5/16/05; 4/01/05
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Election/Restrictions*

Applicant's election without traverse of the invention of Group I (clms. 46-61, 63, 65, 67, 69) in the reply filed on June 11, 2007 is acknowledged. Examiner notes, the Applicant states an election with traverse, however Applicant's failure to positively recite any traversal arguments renders the election an election without traverse.

Claims 62, 64, 66, 68 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on June 11m 2007.

The restriction requirement is made Final.

### *Drawings*

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application due to poor legibility (shading). Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

### *Specification*

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed

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150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because due to the use of legal phraseology "consists of" and because the Abstract has not been presented on a separate single sheet.

Correction is required. See MPEP § 608.01(b).

### ***Claim Objections***

Claim 46 objected to because of the following informalities:

-Line 2, route should be —router—

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claim 47, 49-57, 61, 63, 65 and 69 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. With regard to claim 50, the claim states, the attachment comprises a first component...a second component, however the parent claim 46, states the attachment comprising a base plate...having two separable parts. It is not clear how the first and second components of claim 50 interrelate with the base plate of claim 46. The

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claim fails to properly further limit the parent claim. Rendering a clear understanding of the claimed invention highly difficult. Clarification is required. Although no prior art has been applied to claim 50, the claim as presently presented is not deemed allowable.

Additionally regarding claim 50 and claim 67, the recitation, "it" renders the claims indefinite. It is not clear what structure is being referenced by "it". Examiner suggests clear and positive recitation to what "it" refers.

Claim 63, is an improper dependent claim that fails to further limit the parent claim and instead changes the scope of the parent claim to include a router attachment and a sealing ring wherein the sealing ring is made by a specific process, i.e. a product-by-process claim.

With regard to claim 65, there is no antecedent basis for the recitation, "the outside"; it is not clear what is meant by "the outside", outside of what? Clarification is required.

Regarding claims 65 and 69, the claims do not positively further limit the parent claim. Further the claims fail to positively recite the mechanical cooperation and interrelationship between the elements. For example how does the router blade of claim 65 and 69, relate to the router bit of claim 46? Are these elements the same? If so, one term should be used to identify an element throughout the claims. If these elements are in fact separate, how do they interrelate? Clarification is required to facilitate a clear understanding.

Regarding claims 47, 49, 50 and 69, the word "means" is preceded by the word(s) "depth control", "router column attachment" and "engagement" in an attempt to use a "means" clause to recite a claim element as a means for performing a specified function. However, since no function is specified by the word(s) preceding "means," it is impossible to determine the equivalents of the element, as required by 35 U.S.C. 112, sixth paragraph. See *Ex parte Klumb*,

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159 USPQ 694 (Bd. App. 1967). It is unclear whether or not Applicant is invoking 35 U.S.C. 112 6<sup>th</sup> paragraph. Examiner suggests --means for depth control -- , --means for router column attachment-- and --means for engaging--.

Applicant is required to review all of the claims for clarity, definiteness, antecedent basis, positive recitation of critical mechanical cooperation and interrelationships as well as compliance to 35 U.S.C. 112 6<sup>th</sup> paragraph. Although claims 50-57, 61, 63, 65, 67 and 69 have not been further treated on the merits the claims as presently presented are not deemed allowable. Clarification as it relates to 35 U.S.C. 112 2<sup>nd</sup> paragraph is required to facilitate a clear understanding of the claimed invention and proper application of the prior art.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

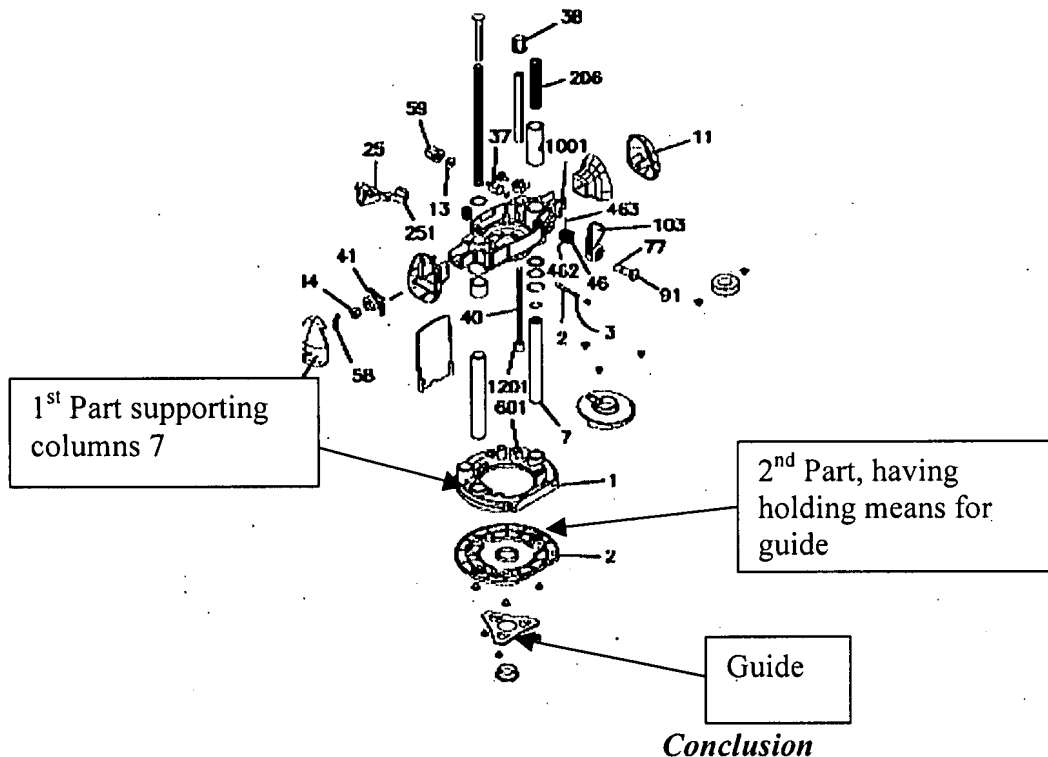
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 46-48 and 60 are rejected under 35 U.S.C. 102(b) as being anticipated by Bosten et al. (5,998,897). Bosten discloses a router control attachment for a router which router includes router column members (7) along which a router cutting bit (142, 145) can be raised and lowered into contact with a material to be worked such that the depth or a router cut can be controlled, said attachment comprising a base plate (fig. 6A) for the router having two separable parts (1, 2) wherein the first part (1) is adapted to support the router column members, and the second part (2) is adapted to interface with the material to be worked by the router.

With regard to claim 47, as best as can be understood, Bosten discloses wherein the first port includes at least one element selected from a group consisting of a depth control means.

With regard to claim 48, Bosten discloses wherein the second part includes holding and supporting means for adjustable guides and trammels (fig. 6A).

With regard to claim 60, Bosten discloses said attachment is attached to a router (fig. 1).




Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shelley Self whose telephone number is 571-272-4524. The examiner can normally be reached on 8:30 - 5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on 571-272-4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
/Shelley Self/  
Primary Examiner  
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August 28, 2007